

**Christopher A. Gilmore**; OSB 98057  
Senior Assistant County Counsel  
chris\_gilmore@co.washington.or.us  
155 N. First Ave., Suite 340 – MS 24  
Hillsboro, OR 97124-3072  
Phone (503) 846-8747  
Fax (503) 846-8636  
Attorney for Defendant Rob Gordon

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF OREGON**

CORINNA-BRIDGETT, *et al.*,

No. 08CV-1072-HU

Plaintiffs,

**MEMORANDUM OF LAW IN  
SUPPORT OF DEFENDANT ROB  
GORDON’S MOTION TO DISMISS**

v.

WASHINGTON MUTUAL BANK, N.A, *et al.*,

**Fed.R.Civ.P. 12(b)(1) and (6)**

Defendants.

---

Defendant Rob Gordon moves to dismiss the Complaint herein on two grounds:

1. Lack of subject matter jurisdiction (Fed. R. Civ. P. 12(b)(1)); and
2. Failure to state a claim upon which relief can be granted (Fed. R. Civ. P. 12(b)(6)).

Plaintiff (using the 14<sup>th</sup> century term “libellant” referring to herself for reasons not explained in her complaint), appearing *pro se*, has filed a 25-page complaint (which she captions as a “libel in review,” again for reasons unexplained in her complaint and in disregard of Fed. R. Civ. P. 8(a)). That complaint consists of a rambling discourse on what plaintiff seems to think is the law notwithstanding acts of Congress, controlling case law, and the Federal Rules of Civil Procedure. For reasons never explained, plaintiff believes that she is entitled to bring an

admiralty claim that is somehow based on a dispute between her and her landlord or mortgagee or something, and involves a residence that may be located somewhere in Washington County, although that is, at best, speculation as to what her complaint says.

This Court's admiralty jurisdiction requires some connection to a maritime activity – *i.e.*, wrongs occurring on navigable waters (*see Seven Resorts, Inc. v. Cantlen*, 57 F3d 771, 773 (9<sup>th</sup> Cir. 1995), or having a “substantial relationship” with traditional maritime activity, such that it would have a “potentially disruptive impact on maritime commerce.” *Jerome B. Grubart, Inc. v. Great Lakes Dredge & Dock Co.*, 513 US 527, 533 (1995).

The complaint contains nothing which would give this court admiralty jurisdiction over any claim against any defendant, much less defendant Gordon, and thus must be dismissed.

Plaintiff's complaint fails to meet even the minimal “notice pleading” requirement of Fed. R. Civ. P. 8(a). Dismissal under Fed. R. Civ. P. 12(b)(6) is proper where there is either a “lack of a cognizable legal theory” or “the absence of sufficient facts alleged under a cognizable legal theory.” *Balistreri v. Pacifica Police Dept.*, 901 F2d 696, 699 (9<sup>th</sup> Cir. 1990); *Graehling v. Village of Lombard, Ill.*, 58 F3d 295-297 (7<sup>th</sup> Cir. 1995).

No matter how carefully and generously plaintiff's complaint is read, it hints at no cognizable claim against defendant Gordon, and must for that reason be dismissed.

Respectfully submitted October 6, 2008.

OFFICE OF COUNTY COUNSEL

/s/ Chris Gilmore

Chris Gilmore; OSB 98057 – Trial Attorney  
Senior Assistant County Counsel  
chris\_gilmore@co.washington.or.us  
503-846-8747  
Of Attorneys for Defendant Rob Gordon

## CERTIFICATE OF SERVICE

I certify that on October 6, 2008 I served a true and correct copy of each of the documents listed below on the following attorneys and parties by one of the following methods as designated for each recipient of service below:

**Mail** First class mail plainly addressed as shown and deposited, postage fully prepaid, on October 6, 2008, with the U.S. Postal Service for delivery.

**Fax** Telephonic facsimile transmission to each of the listed attorneys at the facsimile number listed in the Membership Roster of the Oregon Bar Association Internet website or, if none, such person's business letterhead, and certify that the equipment used for such transmission reported that each receiving device was operating at the time of transmission.

**Personal** Hand delivery directly to such person.

**Office** Hand delivery to a clerk or person apparently in charge of such person's office.

**Home** Hand delivery to a resident over 14 years of age at such person's residence.

**ECF** Electronic filing with the U.S. District Court for the District of Oregon. A copy of the receipt containing the electronic file stamp is attached.

### Persons Served:

<i>Name and Address</i>	<i>Attorney for</i>	<i>Service Method(s)</i>
Corinna-Bridgett 18675 SW Kinnaman Road Aloha, OR 97007	Plaintiff, Pro Se	Mail

### Documents:

Memorandum of Law in Support of Defendant Rob Gordon's Motion to Dismiss
--

/s/ Chris Gilmore

Chris Gilmore; OSB # 98057  
Senior Assistant County Counsel  
Of Attorneys for Defendant Rob Gordon

*I certify that the copies of the documents listed above to which this certificate is attached are true, correct and complete copies of the original(s).*

/s/ Chris Gilmore

Chris Gilmore; OSB #98057  
Senior Assistant County Counsel